

November 10, 2016

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 10th day of November 2016, at 7:00 P.M., and there were

PRESENT: JOHN BRUSO, MEMBER

 JILL MONACELLI, MEMBER

 JAMES PERRY, MEMBER

 LAWRENCE PIGNATARO, MEMBER

 FRANK SWIGONSKI, MEMBER

 RICHARD QUINN, CHAIRMAN

ABSENT: DANIEL BEUTLER, MEMBER

ALSO PRESENT: DIANE M. TERRNOVA, TOWN CLERK

 KEVIN LOFTUS, TOWN ATTORNEY

 MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

PETITION OF: DAVID GOETTEL/SUPERIOR SIGNS

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Superior Pallets, 3981 Walden Avenue, Lancaster, New York 14086 for two [2] variances for the purpose of erecting a ground sign on premises owned by David Goettel at 12 Heathrow Court, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 50, Zoning Section 30F.(2)(c)[2][a] of the Code of the Town of Lancaster to permit a sign height of six feet eight inches [6’8”] over finished grade.

Chapter 50, Zoning, Section 30F.(2)(c)[2][a] of the Code of the Town of Lancaster limits the height of a ground sign to four [4] feet above finished grade. The petitioner, therefore, request a two foot, eight inch [2’8”] ground sign height variance.

- B. A variance from the requirements of Chapter 50, Zoning, Section 30F.(2)(c)[2][c] of the Code of the Town of Lancaster to permit the location of one ground sign five feet from the west property line.

Chapter 50, Zoning, Section 30F.(2)(c)[2][c] of the Code of the Town of Lancaster requires that a ground sign be located at least twenty five [25] feet from the property line. The petitioner, therefore, requests a twenty [20] foot west property line set back variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

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| Corey Auerbach, Esq. Barclay Damon, LLP | Proponent |
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| David Goettel, Petitioner | Proponent |
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IN THE MATTER OF THE PETITION OF DAVID GOETTEL/SUPERIOR SIGNS

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. PIGNATARO WHO MOVED ITS
ADOPTION, SECONDED BY MS. MONACELLI
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of David Goettel/Superior Signs and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 10th day of November 2016, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicant is the duly authorized agent of the property owner.

WHEREAS, the property for which the applicant is petitioning is within a Light Industrial District, (LI) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Erie County Department of Environment and Planning has received a full copy of the proposed zoning action and has stated that the proposed action has been reviewed and determined to be of local concern therefore, no recommendation was made.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is
hereby **GRANTED**.

The question of the adoption of the foregoing resolution was duly put to a vote on roll
call which resulted as follows:

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| MR. BEUTLER | VOTED | WAS ABSENT |
| MR. BRUSO | VOTED | YES |
| MS. MONACELLI | VOTED | YES |
| MR. PERRY | VOTED | YES |
| MR. PIGNATARO | VOTED | YES |
| MR. SWIGONSKI | VOTED | YES |
| MR. QUINN | VOTED | YES |

The resolution granting the variance was thereupon **ADOPTED**.

November 10, 2016

PETITION OF: ALAINA/KYLE TAUSCHER

THE 2nd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Alaina and Kyle Tauscher, 678 Pleasantview Drive, Lancaster, New York 14086 for one [1] variance for the purpose of erecting a four [4] foot high fence in a required open space area on premises owned by the petitioners at 678 Pleasantview Drive, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster. The petitioners propose to erect a four [4] foot high chain-link fence within the required open space area of the exterior front yard fronting on Pleasantview Drive.

Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster limits the height of a fence or wall extending into a front yard to three [3] feet in height. The petitioners, therefore, request a one [1] foot fence height variance.

The Clerk presented and entered into evidence the following items:

- Duly executed petition of the applicants with exhibits and schedules attached thereto.
- Copy of a letter notifying the petitioners of the time and place of this public hearing.
- Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.
- Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

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|-----------------------------|-----------|
| Kyle Tauscher, Petitioner | Proponent |
| Alaina Tauscher, Petitioner | Proponent |

IN THE MATTER OF THE PETITION OF ALAINA/KYLE TAUSCHER

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. SWIGONSKI WHO MOVED ITS
ADOPTION, SECONDED BY MR. PIGNATARO
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Alaina and Kyle Tauscher and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 10th day of November 2016, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicants are the present owners of the premises in question.

WHEREAS, the property for which the applicants are petitioning is within a Agricultural Residential District, (A-R) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Erie County Department of Environment and Planning has received a full copy of the proposed zoning action and has stated that the proposed action has been reviewed and determined to be of local concern therefore, no recommendation was made.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant(s) if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **GRANTED** subject to the following conditions which in the opinion of this board are appropriate conditions to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety, convenience and general welfare:

- The chain-link fence shall remain with an open weave and will not unduly shut out light or air.
- That the fence will be black in color.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

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|---------------|-------|------------|
| MR. BEUTLER | VOTED | WAS ABSENT |
| MR. BRUSO | VOTED | YES |
| MS. MONACELLI | VOTED | YES |
| MR. PERRY | VOTED | YES |
| MR. PIGNATARO | VOTED | YES |
| MR. SWIGONSKI | VOTED | YES |
| MR. QUINN | VOTED | YES |

The resolution granting the variance was thereupon **ADOPTED**.

November 10, 2016

PETITION OF: SEBASTIAN SZACHTA

THE 3rd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Sebastian Szachta, 6 Middlebury Lane, Lancaster, New York 14086 for three variances for the purpose of erecting a four [4] foot high fence in a required front yard area and a shed in a front yard on premises owned by the petitioner at 6 Middlebury Lane, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 50 Zoning, Section 35C. of the Code of the Town of Lancaster for the purpose of erecting a four [4] foot high fence in a required front yard.

Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster limits the height of a fence or wall extending into a front yard area to three [3] feet in height. The petitioner, therefore, requests a one [1] foot fence height variance.

- B. A variance from the requirements of Chapter 50, Zoning, Section 17A.(3) of the Code of the Town of Lancaster for the purpose of installing a shed in a required front yard.

Chapter 50, Zoning, Section 17A.(3) of the Code of the Town of Lancaster states that no accessory building shall project into a front yard. The premises upon which this variance is sought is a corner lot fronting on Middlebury Lane with an exterior side yard [considered a front yard equivalent] fronting on Weathersfield Lane. The petitioner, therefore, requests an accessory building variance.

- C. A variance from the requirements of Chapter 50, Zoning, Section 10C. (3)(a) of the Code of the Town of Lancaster for the purpose of installing a shed ten [10] feet inside the required setback.

Chapter 50, Zoning, Section 10C.(3)(a) of the Code of the Town of Lancaster requires a thirty five [35] foot side yard setback. The petitioner, therefore, requests a ten [10] foot side yard setback variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Sebastian Szachta, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF SEBASTIAN SZACHTA

THE FOLLOWING RESOLUTION WAS OFFERED
BY MS. MONACELLI WHO MOVED ITS
ADOPTION, SECONDED BY MR. PERRY
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Sebastian Szachta and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 10th day of November 2016, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicant is the present owner of the premises in question.

WHEREAS, the property for which the applicant is petitioning is within a Agricultural Residential District, (A-R) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

That such fence will not unduly shut out light or air to adjoining properties.

That such fence will not create a fire hazard by reason of its construction or location.

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **GRANTED** subject to the following conditions which in the opinion of this board are appropriate conditions to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety, convenience and general welfare:

- That the fence shall be in black in color.
- That the fence be either chain-link or wrought iron and be kept open weave so it will not unduly shut out light or air.
- The shed will match the roofing and siding of the house.
- That there will have landscaping placed around the shed to make the sight lines aesthetically pleasing, contingent on the location of future homes.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

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| MR. BEUTLER | VOTED | WAS ABSENT |
| MR. BRUSO | VOTED | YES |
| MS. MONACELLI | VOTED | YES |
| MR. PERRY | VOTED | YES |
| MR. PIGNATARO | VOTED | YES |
| MR. SWIGONSKI | VOTED | YES |
| MR. QUINN | VOTED | YES |

The resolution granting the variance was thereupon **ADOPTED**.

November 10, 2016

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 7:40 P.M.

Signed _____
Diane M. Terranova, Town Clerk and
Clerk, Zoning Board of Appeals
Dated:

